

ATTORNEYS

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September 30, 2015

Hon. Maria-Elena James
ADR Magistrate Judge
US District Court-Northern District
Courtroom B - 15th Floor
450 Golden Gate Avenue
San Francisco, CA 94102

Re: Velarde v. City Of Union City et al.
United States District Court (Northern District) Case No.: 3:13-cv-04011-EMC

Dear Judge James:

Pursuant to ADR Local Rule 6-10(d), certain defendants respectfully request that they be excused or otherwise permitted to attend the above-referenced mandatory settlement conference by telephone standby. The settlement conference is scheduled to take place on Wednesday October 14, 2015, 10:00 a.m. before your honor at the San Francisco Federal Courthouse, 450 Golden Gate Avenue, San Francisco.

There are 18 individual defendants in this case (as well as defendants Union City and the Union City Police Department). 16 of those 18 defendants request to be excused from personal attendance: (1) Officer Gannam; (2) Officer Baumgartner; (3) Corporal Mahaney; (4) Officer Dejong; (5) Officer Martin; (6) Sgt. Martin; (7) Officer Cota; (8) Officer Lentz; (9) Officer Clubb; (10) Officer Kensic; (11) Officer Shansab; (12) Officer Turbyfill; (13) Officer Fraga; (14) PTO Perez; (15) Chief Stewart; (16) City Manager Cheeves.

Union City is a smaller police department that may not be able to provide full staffing and back-up for the purpose of public safety if so many officers and command staff are in San Francisco for the mediation.

Counsel for Defendants, Dale L. Allen, will attend the mediation in person, along with Steven Kochly of York Risk Services, Captain Gloria Lopez-Vaughn, and Commander Ben Horner (ret.) for the City and the Department's representatives for the settlement conference.

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As to the amount in controversy, Defendants are aware that Plaintiffs' Complaint generally seeks unspecified general and compensatory damages.

Under ADR Local Rule 6-10(d)(3), I attempted to meet and confer by email with a request to a stipulation for the excused appearances. At the time of the filing of the letter I had not yet heard back from counsel so I am filing the letter in order to comply with the mandatory deadline for the request. I will supplement the letter with counsels' response if there is an objection. Also be advised a request for dismissal of 9 of the defendants is pending.

Thank you for considering this request.

Very truly yours,

ALLEN, GLAESSNER, HAZELWOOD &
WERTH, LLP

/s/ Kevin P. Allen

Kevin P. Allen
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cc: Jannik P. Catalano, *Counsel for Plaintiffs*
James Farinaro, *Counsel for Plaintiffs*
Eloy I. Trujillo, *Counsel for Plaintiffs*

Alice M. Fiel, ADR Case Administrator
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~~PROPOSED~~ ORDER

The following defendants are hereby allowed to appear at the October 14, 2015 mandatory settlement conference by telephone standby:

- (1) Officer Gannam;
- (2) Officer Baumgartner;
- (3) Corporal Mahaney;
- ~~(4) Officer Dejong;~~
- (5) Officer Martin;
- (6) Sgt. Martin;
- ~~(7) Officer Cota;~~
- ~~(8) Officer Lentz;~~
- ~~(9) Officer Clubb;~~
- ~~(10) Officer Kensic;~~
- ~~(11) Officer Shansab;~~
- ~~(12) Officer Turbyfill;~~
- ~~(13) Officer Fraga;~~
- ~~(14) PTO Perez;~~
- ~~(15) Chief Stewart;~~
- ~~(16) Lt. Gloria Lopez Vaughn; and~~
- ~~(17) City Manager Cheeves.~~

IT IS SO ORDERED. The Defendants that are crossed out have been dismissed without prejudice pursuant to Judge Donato's Order. See Docket No. 39.

Dated: October 1, 2015



Honorable Maria-Elena James
Magistrate Judge